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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,297	11/03/2000	Theron Tock	DANAP003	6720
44987	7590	01/12/2006	EXAMINER	
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030				NAWAZ, ASAD M
		ART UNIT		PAPER NUMBER
		2155		

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/706,297	TOCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Asad M. Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. This action is responsive to the Amendment filed 10/7/05. No claims have been amended or canceled. The specification was amended to overcome objections. Accordingly, claims 1-37 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pettersen (US Patent No. 6,826,594).

Pettersen teaches methods and systems for inserting dynamic or variable type content (i.e. links) from a web server into a designated portion of a web page over a distributed electronic network such as the Internet.

As to claim 1, Petersen teaches a method for modifying a markup language document comprising: receiving the markup language document at an intermediary server, the markup language document having at least one script portion including at least one link to a resource (col 4, lines 49-67; col 13, lines 45-59; Pettersen teaches an

intermediary server receiving an html web document in response to a request by the client)

Modifying the at least one link within the script portion of the markup language document to link to the intermediary server (col 13; lines 45-59; col 15; lines 38-46; Pettersen teaches the update/replacement of URLs within the html web document to be served to the client)

Claim 35 contains similar limitations as above-mentioned claim except that the document is forwarded to the client device when the item is determined not to be a HTML document. Examiner points out that even though a document is HTML, nevertheless, is forwarded to the client. The content is examined to determine whether it is Java, JavaScript, flash files, audio files, or the like and is forwarded to the client (col 4, lines 1-17; col 7, lines 26-44; col 16, lines 15-43).

As to claim 2, Pettersen teaches a method as recited in claim 1, wherein the markup language document is being requested by a client, the method being performed at the intermediary server, and further comprising:

Delivering the markup language document to the client after modifying at least one link (col 16, lines 15-43; Pettersen teaches sending the previously client-requested document to the client upon updating all relevant information such as links).

As to claim 3, Pettersen teaches a method as recited in claim 1, wherein the markup language document is a HTML document (col 6, lines 39-64)

As to claim 4, Pettersen teaches a method of claim 1 wherein modifying comprises:

Scanning the markup language document to locate the script portion.(col 19, lines 22-39)

Searching the script portion to locate a hostname; (col 27, lines 17-60)

Producing a replacement hostname for the located hostname and replacing the located hostname with the replacement hostname. (col 27, lines 17-60)

As to claim 5, Pettersen teaches a method of claim 4 wherein the located hostname is associated with one or more remote servers and the replacement host name is associated with the intermediary server.(col 20, lines 8-65)

As to claim 6, Pettersen teaches a method of claim 5, wherein the located hostname is part of the at least one link. (col 27, lines 17-60)

As to claim 7, Pettersen teaches a method of claim 6, wherein the at least one link is a URL for a resource; (col 27, lines 17-60)

As to claim 8, Pettersen teaches a method of claim 5, wherein ht emarkup language is a HTML document. (col 6, lines 39-64)

As to claim 9, Pettersen teaches a method of claim 1, wherein a hostname is associated with a remote server. (col 27, lines 17-60)

As to claim 13, Pettersen teaches a method of claim 11, wherein the predetermined function or property statement is replaced with a set or get cookies function call. (col 17, lines 9-20)

Claims 10-12, 14-34 and 36-37 contain similar limitations as the above-mentioned claims. Thus, they are rejected under similar rationale.

4. Independent claims 1, 10, 16-17, 20-21, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Delph (US Patent No. 6,356,934).

As to claims 1, 10, 16-17, and 20-21, Petersen teaches a method for modifying a markup language document comprising: receiving the markup language document at an intermediary server, the markup language document having at least one script portion including at least one link to a resource and modifying the at least one link within the script portion of the markup language document to link to the intermediary server

Claim 35 contains similar limitations as above-mentioned claim except that the document is forwarded to the client device when the item is determined not to be a HTML document. Examiner points out that even though a document is HTML, nevertheless, is forwarded to the client. (col 3, lines 20-36; col 5, lines 4-59). Furthermore, the requests can be made via HTTP, FTP, etc.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues in substance that A) Petterson does not disclose "modifying at least one link within a script portion of a markup language document to link to an intermediary server", B) Delph does not teach or disclose "modifying at least one link within a script portion of the markup language document to link to the intermediary server" and that the html data includes a script as recited by the applicant, and C), Delph does not disclose function or property statements within the script portion.

In response to A), Petterson does teach the reception of an html webpage where a central linking website provides information between affiliate web sites and merchant web sites. The linking information can be changed and modified to reflect when a web page is provided to a user system from an affiliate web site, the web page contains hidden, embedded links containing index information for the dynamic lookup table at the central linking web site along with instructions to the user browser to retrieve the content from the central linking web site without user intervention (col14, lines 26-48).

Therefore, Petterson still meets the scope of limitation as claimed.

In response to B), Delph does teach that the control program can direct intermediate server to edit html data by identifying the web links within the data and modifying the web links to point back to the intermediate server by appending the original web link to the location code of the intermediate node. (col 5, lines 31-49)

As to the applicants' contention that "the script, as set forth in Applicants' specification, can include, for example, JavaScript or VBScript", there is no limitation in the claims that allows or disallows the use of HTML scripts. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

In response to C), Delph and Petterson teach function or property statements that are modified within the script portion of a document. These function or property statements are the url links within the page, as explained above.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AMN

  
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SUPERVISORY PATENT EXAMINER